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FISCAL IMPACT REPORT

SPONSOR Altamirano DATE TYPED 2/07/05 HB _____

SHORT TITLE Motor Transportation Division Powers and Duties SB 395

ANALYST Peery

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Administrative Office of the District Attorneys (AODA)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 395 provides an organizational structure, authority to enforce provisions of the criminal code and defines administration of the Motor Transportation Division within the Department of Public Safety. Also, the bill creates criminal offenses regarding and providing penalties for misuse of a motor transportation division uniform, badge or vehicle.

Significant Issues

Currently the Motor Transportation Division is defined in the provisions of the Motor Carrier Act, Motor Transportation Act and Motor Carrier Safety Act (65-1-6 through 65-1-9 NMSA 1978) and other laws regulating commercial motor vehicles to include patrolling highways and establishing ports-of-entry and roadblocks (95-1-2 (J) NMSA 1978 and 65-1-11 NMSA 1978). The division obtains the authority to enforce the Motor Vehicle Code pursuant to Section 66-2-12 (B) NMSA 1978. Motor Transportation Division had the authority to enforce the Drug Enforcement Act up until 1998.

PERFORMANCE IMPLICATIONS

DPS states the proposed legislation expands the Motor Transportation Division's authority to enforce provisions of the criminal code, which they feel diminishes and dilutes the capacity of the division to enforce the laws for which they were created.

Motor Transportation Division consists of 147 authorized law enforcement officers who are commissioned as police officers, as defined in Section 29-7-7 NMSA 1978, by the director of the division. Motor Transportation Division officers deal in the course of their duties with drug trafficking, drug usage, concealed identity and other issues that are under the Criminal Code. Motor Transportation Division officers also serve as backup for the State Police and other law enforcement agencies dealing with issues such as, domestic violence, theft, aggravated assault. The officers currently have no enforcement authority to deal with these issues that come under the Criminal Code.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 669 is identical to Senate Bill 395.

TECHNICAL ISSUES

DPS states that in the proposed legislation where the word "chief" appears should be replaced with the work "director", and where the word "deputy chief" appears should be replaced with the work "deputy director".

OTHER SUBSTANTIVE ISSUES

DPS recommends amending the proposed legislation by striking "and the Criminal Code" from page three line 24.

RLP/sb